

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 47 - 2007

**A BY-LAW TO PRESCRIBE A TARIFF OF FEES FOR
THE PROCESSING OF PLANNING APPLICATIONS
AND OTHER RELATED PLANNING MATTERS, AND
TO REPEAL BY-LAW NO. 14-2002**

**THE COUNCIL OF THE CORPORATION OF THE CITY OF
THOROLD HEREBY ENACTS AS FOLLOWS:**

WHEREAS:

1. In accordance with the provisions of Section 69 of the Planning Act, R.S.O. 1990, Chapter c.P. 13, the Council of a municipality may by By-law prescribe a tariff of fees for the processing of applications made in respect of planning matters.
2. The Council of the City of Thorold passed By-law No. 14-2002 February 19, 2002, to implement such fees.
3. The Council of the Corporation of the City of Thorold deemed it necessary and expedient to increase the fees for planning applications, remuneration of Committee of Adjustment members and letters of compliance and to better reflect the actual costs to the City in accordance with Planning and Building Services Report PBS2007-20.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF
THE CITY OF THOROLD ENACTS AS FOLLOWS:**

1. Every person who makes application to the Council in respect of the following planning matters shall pay to the Corporation, payable upon submission of the application, the anticipated costs in processing the application:
 - a) The fee for an application for an amendment to the Official Plan of the Corporation enacted in accordance with the provisions of Section 17 of the said Planning Act shall be \$4,400.00.
 - b) The fee for an application for an amendment to the Zoning By-law of the Corporation enacted in accordance with the provisions of Section 34 of the said Planning Act shall be \$3,900.00.
 - c) The fee for a combined application for an amendment to the Official Plan and Zoning By-law of the Corporation enacted in accordance with the provisions of the said Planning Act shall be \$5,000.00.

- d) The fee for an application for an amendment to remove a Holding Symbol (H) in accordance with the provisions of Section 36 of the said Planning Act shall be \$1,000.00.
- e) (i) The fee for an application to have passed a Temporary Use By-law in accordance with the provisions of Section 39 of the said Planning Act shall be \$3,400.00.
(ii) The fee for an application to extend the time period for an existing Temporary Use By-law shall be \$3,000.00.
- f) (i) The fee for an application for a plan of subdivision and/or a plan of condominium shall be \$6,400.00.
(ii) The fee to red line (modify) a draft approved plan with circulation shall be \$1,000.00 and without circulation shall be \$500.00.
(iii) The fee to process a request for extension to draft approval of plans of subdivision and condominium shall be \$800.00.
(iv) The fee for final approval of a plan of subdivision and condominium shall be \$900.00.
(v) The fee for approval of a deeming by-law shall be \$500.00
- g) The fee for conversion of rental accommodation to plan of condominium shall be \$3,100.00.

“Such fee for conversion of rental accommodation to plan of condominium shall be in addition to fees for processing plans of condominium as contained in Section f)”.
- h) The fee for processing an exemption of lots in a registered plan of subdivision from the Part-Lot Control provisions of Section 50 of the Planning Act shall be \$1,200.00.
- i) The fee for an application for a minor variance in accordance with the provisions of Section 45 of the said Planning Act shall be \$750.00.
- j) (i) The fee for an application for approval of a Site Plan in accordance with the provisions of Section 41 of the said Planning Act shall be \$3,000.00.
(ii) The fee for an application to amend a Site Plan in accordance with the provision of Section 41 of the said Planning Act shall be \$1,500.00.

- (iii) All site plan applications within the watershed of Municipal Drains will be required to provide the City a \$500.00 deposit for professional review services. The applicant will be required to pay the full amount of the review services.
 - k) The fee for the preparation of a Development Agreement shall be \$1,600.00.
 - l) The fee for the preparation of a Cash -in-lieu of Parking Agreement shall be \$1,300.00.
 - m) The fee for the preparation of a Temporary Use Agreement shall be \$1,400.00.
 - n) The fee for Release or Partial Release of a Site Plan Agreement or Development Agreement shall be \$1,000.00.
 - o) The fee for preconsultation with written report (for OPAs; ZBAs; Plan of Subdivisions and Site Plans) shall be \$300.00.
 - p) The fee for letters of compliance shall be \$100.00
 - q) (i) The fee for an application for consent in accordance with provisions of Section 53 of the Planning Act shall be \$1,000.00.
(ii) The fee for issuance of a Final Certificate for an approved consent application is \$100.00.
2. The applicant shall pay, in addition to the fees set forth in Section 1:
- a) Any charges fixed by the Council for copies of planning documents furnished to the applicant.
 - b) Any outside legal, planning or other special consultant fees incurred by the Council in processing the application.
3. Fees payable under Section 1 shall be paid at the time of application. Fees payable under Section 2 shall be paid upon demand of the Corporation.
4. An applicant who requests an adjournment or to reschedule a Public Meeting for a planning application will be required to pay an additional fee of \$200.00.
5. On every minor variance application to the Committee of Adjustment that is adjourned at the request of the applicant there shall be paid a rescheduling fee of \$150.00.

6. On every consent application to the Committee of Adjustment that is adjourned at the request of the applicant there shall be paid an adjournment fee of \$150.00.
7. The following will govern the payment of refunds of application fees:
 - a) Planning Applications:
 - (i) If an application is withdrawn prior to circulation to commenting agencies, 90% of the fee may be refunded.
 - (ii) If an application is withdrawn after circulation to commenting agencies but prior to the notice being mailed or advertised of the General Committee or Council meeting at which the application will be considered, 50% of the fee may be refunded.
 - (iii) If an application is withdrawn after notice of the meeting has been mailed or advertised, but prior to the Planning report being prepared, 25% of the fee may be refunded.

b) Re-activation:

Any application which has been withdrawn or has been inactive for a period of one year shall be considered abandoned and full fee shall be required to activate a new application.

8. Where a decision on a planning application is appealed to the Ontario Municipal Board and the City and the applicant jointly support the application, the applicant shall be responsible for all costs to the municipality associated therewith. Such costs shall include all legal, expert testimony, and administrative costs.

To secure payment of such costs, the applicant will provide the City, upon notice and/or acknowledgement of an objection from the Ontario Municipal Board, with an initial deposit of \$5,000.00, such amount to be increased by the City in the event the nature of the application indicates that \$5,000.00 may be inadequate to totally defray the costs incurred. Any costs to the City in excess of the deposit shall be paid to the City by the applicant upon submission of an invoice therefor. Any deposit monies not incurred by the municipality shall be refunded forthwith to the applicant.

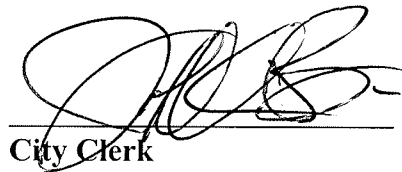
9. Notwithstanding Sections 1 and 2, the Council may, in processing an application, by resolution reduce the amount of or waive the requirement for the payment of the prescribed fee in respect of the application where the Council is satisfied that it would be unreasonable to require payment in accordance with the tariff.

10. Payment of fees provided herein is subject to the right of protest and appeal by the applicant under subsection 69 (3) of the said Planning Act, R.S.O. 1990 c.P. 13, as amended.
11. That By-law No. 14-2002 is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY
COUNCIL THIS 3rd DAY OF APRIL, 2007.**



Mayor



City Clerk